

1 THE HONORABLE JOHN C. COUGHENOUR
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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 UNITED STATES OF AMERICA,

11 Plaintiff,

v.

12 SUMIT GARG,

13 Defendant.

CASE NO. CR21-45 JCC

ORDER

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15 This matter comes before the Court on Defendant's motion seeking miscellaneous relief
16 as a *pro se* litigant (Dkt. No. 185). Defendant makes a number of requests that he asserts are
17 necessary as a *pro se* litigant to properly prepare his case. (*See generally* Dkt. No. 185.) The
18 Court addresses each of these requests below.

19 **A. Request for Hard Copies of Legal Materials**

20 Defendant asks for hard copies of the most current Local Rules of Criminal Procedure,
21 and "General Orders for ESI."¹ (Dkt. No. 185 at 1.) This request is GRANTED. The

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24 ¹ Defendant initially asked for copies for the Federal Rules of Criminal Procedure, Federal Rules
25 of Evidence, and this Court's Chambers Procedures, but withdraws that request in his reply.
26 (Dkt. No. 203 at 6.) Defendant also asks for the "Advisory Committee Changes [to] Federal
Criminal Rules," expressing concern that he does not have a current version of the rules. (Dkt.
No. 202 at 5–6.) Only Federal Criminal Rule 16 was updated in the most recent amendments to
the rules. See <https://www.wawd.uscourts.gov/news/amendments-federal-rules-practice->

1 Government is ORDERED to provide Defendant with a hard copy of the Local Criminal Rules
2 and the “Recommendations for Electronically Stored Information (ESI) Discovery Production in
3 Federal Criminal Cases,” located at

4 <https://www.wawd.uscourts.gov/sites/wawd/files/NationalESIProtocol.pdf>.

5 **B. Request for Hard Copies of Motions**

6 Defendant asks for hard copies of all motions filed from November 8, 2022 onwards.
7 (Dkt. No. 185 at 1.) This request is GRANTED. The Clerk is INSTRUCTED to mail Defendant
8 a copy of all motions filed after November 8, 2022. This includes Docket Numbers 175, 176,
9 177, 178, 179, 180, 182, 183, 185, 186, 196, 202, and 205. Defendant is advised that the Court
10 will not continue to send hard copies of the motions he sends, and he may consider making
11 copies of future motions for his own records prior to filing them.²

12 **C. Request to Send Sealed and Ex Parte Motions to Standby Counsel**

13 Defendant asks that his standby counsel have access to all motions he has filed, including
14 those filed under seal or ex parte. (Dkt. No. 185 at 1.) This request is GRANTED. The Clerk is
15 INSTRUCTED to send standby counsel a copy of Docket Numbers 178, 182, and 186. Moving
16 forward, it will be up to Defendant to make a copy of any sealed or ex parte motion that he
17 wishes standby counsel to have access to.

18 **D. Request for Discovery on a Laptop**

19 Defendant asks for a laptop to review discovery. (Dkt. No. 185 at 2.) The Court has
20 already granted this request. (*See* Dkt. No. 192 at 2.) Therefore, this request is DENIED as moot.
21 The Government notes Defendant’s request appears broader than his previous request. (Dkt. No.
22 195 at 3–4.) To the extent that Defendant requests go beyond what the Court has already ordered,

23 [procedure](#). Accordingly, the Government is ORDERED to provide Defendant a hard copy of the
24 amended version of Federal Criminal Rule 16.

25 ² Defendant argues he has limited access to a copy machine, making it impossible for him to
26 copy some motions before filing. (Dkt. No. 203 at 2.) The Court addresses this timing issue
below.

1 the requests are DENIED.

2 **E. Request to Prevent BOP From Opening Legal Mail**

3 Defendant asserts the Bureau of Prisons (“BOP”) has been opening his legal mail and
 4 asks the Court to order BOP not to do so. (Dkt. No. 185 at 2.) The Government states this is
 5 already BOP policy. (Dkt. No. 195 at 4.) Accordingly, the Court DENIES Defendant’s request as
 6 moot.³

7 **F. Request for Unmonitored Communications**

8 Defendant asks for “unmonitored communication with defense team as per his omnibus
 9 motions . . .” (Dkt. No. 185 at 3.) The Court has already ruled on this issue and this request is
 10 also DENIED as moot. (*See* Dkt. No. 192 at 3–4.) In addition, Defendant asks for the ability to
 11 send audio or video exhibits to the Court clerk. If Defendant needs to send audio or video
 12 exhibits to the Court, he may do so through standby counsel. This request is DENIED.

13 **G. Extended Briefing Schedule**

14 Defendant asks for an extended briefing schedule to accommodate the fact that he must
 15 physically mail his motions to the Court and likewise wait to receive the Government’s
 16 opposition motions by mail. (Dkt. No. 185 at 3.) The Government does not oppose this request.
 17 (Dkt. No. 195 at 5.) Accordingly, the following procedure shall apply for any additional motions
 18 filed by Defendant:

- 19 • The Court will set a noting date of fourteen (14) days after the date which the
 20 motion is received by the Court and filed electronically.
- 21 • If the Government opposes the motion, it should file a response brief no later than

23 ³ Defendant asserts the Government improperly opened a letter sent by the Court marked “Legal
 24 Mail.” (Dkt. No. 185 at 2.) Defendant also argues BOP incorrectly determined mail containing
 25 Docket Number 192 was not legal mail. (Dkt. No. 203 at 4.) However, the Order was public and
 26 not filed ex parte. Accordingly, the Court finds any violations of BOP’s policy against opening
 26 legal mail in these instances was harmless error, given the public nature of the contents of the
 26 mail. If BOP violates its mail policy in the future, Defendant may raise the issue before the
 26 Court.

1 seven days after the filing of the motion.

- 2 • Defendant may file a reply brief by the noting date.⁴

3 Additionally, Defendant's compliance with deadlines will count from the date the FDC sends out
4 the mail, rather than the date the Court receives the filing.

5 It is so ORDERED.

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7 DATED this 7th day of December 2022.

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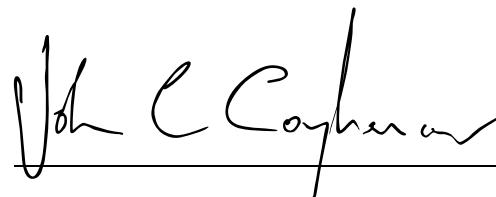
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John C. Coughenour
UNITED STATES DISTRICT JUDGE

⁴ This schedule is intended to give Defendant additional time to reply to any opposition brief filed by the Government and to avoid any prejudice caused by delays in mail.